

MEMORANDUM

TO: Mike Murawski, Advocate
Martha Perez, Staff Attorney

FROM: Sylvia Batista

RE: Tracy Truppman, Mayor of Biscayne Park; P119-03

DATE: 1/31/19

Chuck Ross, a resident of Biscayne Park, contacted the COE's Hotline number to inform about possible violations by Mayor Tracy Truppman (Truppman). Ross advised that Biscayne Park has a weak Mayor/strong Manager form of government. Mayor Truppman, who has been their Mayor for three years, is apparently unaware that under their form of government, she cannot direct the Manager or staff.

Ross advised that Mayor Truppman called a staff meeting through the Manager during which the Mayor gave directions to staff.

Ross believes that Truppman has acted improperly by sending two (2) legislative requests to their legislative representative, David Caserta. These requests were never discussed in a public meeting of the Biscayne Park Commission as they should be pursuant to the BP Charter.

Lastly, Ross advised that the Mayor may have committed a Citizens Bill of Rights violation when she stopped him from finishing his statement during the public comments portion of the 01/08/19 Commission meeting. One of the items that he mentioned was to request that the Commission take up the issue of Charter violations by the Mayor for sending the legislative priorities directly to Caserta. Ross said that he spoke for 30 seconds when the Mayor rudely stopped him and asked whether she could call the meeting off.

Ross added that his wife, Roxanne Ross, who was a commissioner at Biscayne Park for 9 years, was allowed to speak for 3 minutes, but her request for more time to speak was denied by the Mayor.

Review of 01/08/19 Commission meeting:

A review the public comments portions of the 01/08/19 Biscayne Park Commission meeting reflects that Ross was interrupted after speaking for one minute. After some discussion by the Mayor and the Attorney, he was allowed to continue, but was again interrupted. It is unclear whether he finally spoke for three minutes. Roxanne Ross spoke for approximately 3.5 minutes and her request to continue was denied.

Conclusion:

It was determined by the Advocate that the alleged Biscayne Park Charter violation described regarding the Mayor's submitting legislation to Tallahassee is not under the COE's jurisdiction. Additionally, the public comments made at the 01/08/19 Commission meeting would not meet the criteria for a Citizens Bill of Rights violation since Ross spoke for close to 3 minutes without counting the time that he was interrupted, and Mrs. Ross spoke for close to 4 minutes.

For the stated reasons, Ross was told that our office will not initiate an investigation on these allegations. Ross was told that he could file an official ethics complaint for further consideration, but opted not to do so.

Sylvia Batista

Dated: _____

Approved by:

Mike Murawski, Advocate

Dated: _____